



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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# BZA Staff Report

**To:** Board of Zoning Appeals Members  
**From:** Alex Getchell, Associate Planner  
**Date:** July 28, 2015  
**Re:** Cases ZB 2015-10 (V) | Meijer Store | Woolpert, Inc.

### REQUESTS:

**Case ZB 2015-10 (V)...Meijer Store.** A request for development standards variances from the City of Franklin Zoning Ordinance (N: North, E: East, S: South, W: West = Variance Required for this facade):

- (1.) Article 5, Chapter 4 Architectural Standards (Roof Design) - **W**
- (2.) Article 5, Chapter 4 Architectural Standards (Display Windows) – **N, E, S**
- (3.) Article 5, Chapter 4 Sidewalks & Pedestrian Walkways (Walkways along façades) – **E**
- (4.) Article 7, Chapter 19 Large Scale Retail Architectural Standards (Display Windows) – **N, E, S**
- (5.) Article 7, Chapter 19 Large Scale Retail Architectural Standards (Entrances) – **N**
- (6.) Article 7, Chapter 19 Large Scale Retail Architectural Standards (Detail Features) – **N, S, W**
- (7.) Article 7, Chapter 19 Large Scale Retail Architectural Standards (Recesses / Projections) – **N, E**
- (8.) Article 7, Chapter 19 Large Scale Retail Architectural Standards (Canopies) – **N**
- (9.) Article 8, Chapter 3 Non-Residential Sign Standards (Maximum Total Signage Area)
- (10.) Article 8, Chapter 3 Non-Residential Sign Standards (Maximum Wall Sign Area)

in the MXR: Mixed-use, Regional Center zoning district and the Gateway-Overlay Zoning District. The property is located on the west of N. Morton Street, between Simon Road (South) and Commerce Drive (North), with a common address of 2390 N. Morton Street.

### PURPOSE OF STANDARD:

The “MXR”, Mixed Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

### CONSIDERATIONS:

#### Proposed Use

1. Woolpert, Inc., on behalf of Meijer, has received Primary Plat approval, Rezoning to MXR and Annexation approval/adoption, and has submitted for Site Development Plan Review (SPR) for a new 193,000 sq. ft. Meijer store, on 20.55 acres, and a Meijer Fuel Center on 1.76 acres, on the west side of N. Morton Street and located between Simon Road (South) and Commerce Drive (North).

2. The variance requests associated with this case, ZB 2015-10 (V), are specifically related to PC 2015-15 (SPR) for the Meijer store, only.
3. ZB 2015-11(V) specifically relates to PC 2015-16 (SPR) for the Meijer Fuel Center requests.
4. The Meijer store proposal includes other smaller uses interior to the proposed Meijer store structure, including a drive-through pharmacy and outdoor garden center.
5. The Meijer store will have vehicular access on Commerce Drive, utilizing two new customer drives and a truck/delivery entrance at the back of the store. Two additional customer entrances will be provided on Simon Road, with one aligned with the residential subdivision entrance (Galaxy Drive) to the south.
6. The Site Development Plan (PC 2015-15) has been reviewed by the entire Technical Review Committee, and comments have been provided to Woolpert, Inc. All plans are still preliminary and subject to change. The Site Development Plan for the Meijer store cannot be completed without BZA approval of the above listed variances, or compliance with those zoning ordinance standards.
7. According to the City of Franklin Zoning Ordinance, Supermarkets (retail use-large scale) are defined as: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.
8. Retail use (large scale) supermarkets, are permitted in the MXR: Mixed-use, Regional Center and the MXC: Mixed-use, Community Center zoning districts. Supermarkets are also listed as a Special Exception use in the MXD: Mixed-use Downtown Center zoning district.

**Gateway Overlay District - Roof Design (West only)**

9. The GW-OL district requires all roof-top mechanical equipment, such as HVAC units, to be screened from view of all streets (public and private) and all GW-OL zoned properties by parapets, dormers, or other screens. *The petitioner is requesting relief from this standard, to not provide any screening on the building along the west façade of the store.*
10. All four sides of the building would be visible from streets; therefore, all four sides are required to provide roof-top screening. Without screening along the west façade, staff believes the roof-top mechanical equipment would be visible to east-bound motorists, on both Simon Rd and Commerce Dr.
11. The petitioner is providing a substantial amount of landscaping along the North, West, and South sides of the property, between the store and the streets, including an opaque fence 8 feet in height along the west property line, which will indirectly screen the roof-top equipment.

**Gateway Overlay District – Display Windows (North, East, and South)**

12. According to Article 5, Chapter 4 (Gateway Overlay District), all commercial building façade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the façade wall's horizontal length along all pedestrian walkways. *The petitioner is proposing to provide approximately <5% on the north elevation (Commerce Drive), approximately 15% on the south elevation (Simon Road), and approximately 35-40% on the east elevation (Morton Street).*
13. The north, east & south façade walls are each required to meet the 60% standard, which is required by the GW-OL District & the Large Scale Retail Architectural Standards Chapters of the zoning ordinance.

**Gateway Overlay District – Pedestrian Walkways along Façades**

14. According to Article 5, Chapter 4, walkways along the facades of the building shall be concrete, shall be a minimum of 5 feet in width, and shall be separated from the building by a landscape area that is a minimum of 5 feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and shrubs for a minimum of 50% of its length. *The petitioner is requesting relief from this standard, to not provide any landscape area, benches, nor seating areas between the building and the pedestrian walkway.*

### **Large Scale Retail Architectural Standards – Façade Walls (All Four Sides)**

15. According to Article 7, Chapter 19 of the City of Franklin Zoning Ordinance:

B. Architectural Standards: The following architectural standards shall apply to Large Retail Facilities:

1. Façade Walls: A “façade wall” is any exterior wall visible from a street or non-industrial property. All façade walls shall meet the following requirements:
  - a. **Display Windows:** All façade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the façade wall’s horizontal length along all pedestrian walkways. *The petitioner is proposing to provide approximately <5% on the north (Commerce Drive) elevation, approximately 15% on the south (Simon Road) elevation, and approximately 35-40% on the east (Morton Street) elevation. The west façade wall is not required to meet this standard.*
  - b. **Entrances:** All façade walls that abut a street, public or private, shall feature at least one customer entrance. *The petitioner is requesting relief from providing a customer entrance on the north façade wall, which fronts Commerce Drive.*
  - c. **Detail Features:** Building façade walls shall include a repeating pattern that incorporates no less than 3 of the elements listed below. At least 1 of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 100 feet, either horizontally or vertically. *The petitioner is requesting to vary from this standard, as the proposal does not incorporate at least three of the following elements on the north, south, nor west sides of the proposed structure. The east façade incorporates three elements, the north façade incorporates two elements, and the south and west façades do not incorporate any.*
    - i. Color Change *(North & East meet standard)*
    - ii. Texture Change *(No sides meet standard)*
    - iii. Material Change *(No sides meet standard)*
    - iv. Architectural Change: In the form of structural bays created through a change in plane no less than 24 inches wide such as an offset, reveal, or projecting rib. *(North & East meet)*
    - v. “Story” Change: A clear delineation between each “story” of the structure provided by a consistent cornice line of varying appearance. *(East meets standard)*

### **Large Scale Retail Architectural Standards – Front Façade Walls (North & East only)**

16. According to Article 7, Chapter 19 of the City of Franklin Zoning Ordinance:

B. Architectural Standards: The following architectural standards shall apply to Large Retail Facilities:

2. Front Façade Walls: The façade wall that fronts on a public street shall be considered the "front facade wall". If the structure fronts onto more than 2 public streets, the 2 facade walls that face the streets with the highest Thoroughfare Plan classification (*N. Morton St. & Commerce Dr.*), shall be treated as front facades. All front facade walls shall incorporate the 3 following elements in addition to those required by 7.19(B)(1).
  - a. **Recesses / Projections:** Wall recesses / projections that are at least 20-feet long, but no more than 70-feet long and that have a relief of at least 8 inches. *The petitioner is proposing to vary from this standard on the north and east front façade walls. The north front façade wall incorporates four pilaster projections; however, they are not at least 20 feet in width, and the distance between projections is greater than 70 feet. The east front façade wall incorporates various types of recesses and projections; however, there are at least three instances along the façade, where the recesses / projections are greater than 70 feet in length.*
  - b. **Entry Features:** Entryway features are only required at the primary entrance to the structure and shall include at least 3 of the following design elements... *(Standard has been met)*
  - c. **Canopies:** Arcades, covered walkways, architectural awnings, canopies, or porticoes. *The petitioner is requesting relief from this standard, to not incorporate any “canopies” along the north (Commerce Drive) front façade wall. The east (N. Morton Street) façade meets this standard, and canopies are not required on the south and west façades.*

### **Large Scale Retail Architectural Standards – Intent**

17. The intent of the Large Scale Retail Standards is to establish additional requirements for these types of facilities in order to ensure that the unique hazards they present for pedestrian and vehicular circulation, as well as land use conflicts, are addressed and the general welfare of the community as a whole is protected.

### **Signage**

18. According to Article 8, Chapter 3 of the City of Franklin Zoning Ordinance, the Meijer store is permitted the following signage, subject to sign permits being obtained prior to installation of all signage:
- 2 square feet of sign area for every 1 linear foot of building frontage, or a maximum of 600 sq. ft., whichever is smaller. In this case, the Meijer store is permitted 600 sq. ft. of sign area. *The petitioner is proposing to exceed the maximum sign area allowed by 109 sq. ft., for a total of 709 sq. ft.*
  - Maximum number of five signs are permitted, one of which can be a freestanding sign.
  - Since the property is over five acres and has multiple road frontages, the Meijer store is permitted a second freestanding sign, for a total of 6 signs and 600 sq. ft. of sign area.
  - Wall signs are limited to a maximum of 200 sq. ft. in sign area. *The petitioner is proposing to exceed the maximum wall sign area allowed for the Meijer logo sign by 192.06 sq. ft., for total of 392.06sq ft.*
  - Freestanding signs are limited to a maximum of 100 sq. ft. in sign area.
  - Freestanding signs are limited to a maximum of 25 ft. in height.
  - Directional signs are exempt if less than 6 sq. ft. in size (*Two 5.8 sq. ft. “Welcome” signs qualify*).
19. The petitioner is proposing 6 total signs (4 wall, 2 freestanding), as follows:
- Wall Sign: Meijer logo – 392.06 sq. ft. (*Exceeds maximum wall sign area by 192.06 sq. ft.*)
  - Wall Sign: “Pharmacy Drive up” – 62.86 sq. ft.
  - Wall Sign: “Fresh” – 74.21 sq. ft.
  - Wall Sign: “Home” – 69.39 sq. ft.
  - Freestanding (Monument style): Commerce Drive middle entrance – 55.23 sq. ft., 7ft. in height
  - Freestanding (Monument style): Simon Road west entrance – 55.23 sq. ft., 7ft. in height
  - TOTAL SIGN AREA: 708.99 sq. ft. (*Exceeds maximum permitted sign area by 108.99 sq. ft.*)
20. For comparison, listed below are several local businesses and their current largest wall sign, listed from largest to smallest (200 sq. ft. or smaller is permitted by current ordinance):
- |                                     |   |
|-------------------------------------|---|
| ▪ <i>Meijer proposed wall sign:</i> | 392.06 sq. ft. ( <i>if approved, would be largest wall sign in city</i> ) |
| ▪ Lowe’s:                           | 303.4 sq. ft. (current largest wall sign in city)                         |
| ▪ Walmart:                          | 298 sq. ft.   |
| ▪ Cooper Tires Warehouse:           | 251.56 sq. ft.  |
| ▪ Mitsubishi Warehouse:             | 240 sq. ft.   |
| ▪ Interstate Warehousing:           | 195.5 sq. ft.   |
| ▪ Complete Hydraulics:              | 193 sq. ft.   |
| ▪ Kohl’s:                           | Two, 193 sq. ft. wall signs   |
| ▪ Big Lots:                         | 173.7 sq. ft.   |
21. The petitioner states the proposed wall sign would be located approximately 750 feet from N. Morton Street, and the sign needs to be visible from that distance. For a real world comparison, the Lowe’s store/wall-sign (303.4 sq. ft.) is located a similar distance (720 feet) from N. Morton Street, and also has other businesses located between it and N. Morton Street. The proposed Meijer store will be located almost directly across N. Morton Street, from Lowe’s.
22. In addition to the Meijer store signage, a Meijer Fuel Center, with its own “Meijer” freestanding sign, three “Meijer” fuel station canopy signs, and a changeable copy wall sign are being proposed between the Meijer store and N. Morton Street. Altogether, there are 11 signs, 8 of which will have the Meijer logo, proposed for the two properties.

### **Comprehensive Plan & Zoning Ordinance**

23. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."
24. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
25. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
26. The surrounding zoning and land uses are as follows:
- | <b>Surrounding Zoning:</b>   | <b>Surrounding Land Use:</b>   |
|--|--|
| North: MXC, Mixed-use: Community Center<br>RS-1, Residential: Suburban One         | North: Commercial/Retail & Agricultural Crop field                               |
| South: MXC, Mixed-use: Community Center<br>RSN, Residential: Suburban Neighborhood | South: Residential Subdivision, Used Car Dealership<br>& Agricultural Crop field |
| East: MXC, Mixed-use: Community Center<br>MXR, Mixed-use: Regional Center          | East: BMO Harris, Chili's, Starbucks, First<br>Merchant's Bank, & Lowe's         |
| West: RS-1, Residential: Suburban One  | West: Agricultural Crop field  |

### **CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:**

#### **(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

- Begin on following page -

## **DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES**

- 1. General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

### **Staff Finding:**

Staff finds the approval of *some* of the proposed variances could be injurious to the public health, safety or general welfare of the community. As a general recommendation, as it relates to the general welfare, the Board should consider how approval or denial of these variances could set precedent for the surge of development that could begin in the general vicinity as a result of Meijer opening.

Will not be injurious: Staff finds the requested variance for no screening of the rooftop mechanical equipment along the west façade will have no adverse effect on the general welfare. Staff finds the lack of a customer entrance on the north façade would not be injurious to the public or general welfare in any way. Staff finds the approval of the request to not provide all of the required detail features for the south and west façade walls will not be injurious to the general welfare, as the west façade is the service/delivery side of the structure and heavily screened by landscaping, and the south façade includes the garden center with decorative fence and wall. Additionally, approval of variances for display windows on the east and south facades, and recesses / projections on the east façade, would not affect the general welfare, due to the various design elements incorporated on the east façade and the presence of the garden center on the south.

Will be injurious: Conversely, staff believes approval of variances to allow the proposed north façade, with essentially no display / faux / decorative windows, and without meeting the recesses / projections or canopies requirements for front façade walls, and without providing at least three of the five detail features for a façade wall, would adversely affect the general welfare. Approval of the proposed north façade would be in opposition to the intent of the Gateway Overlay District and the Large Scale Retail Architectural Design standards. Staff finds approval of the proposed 392.06 sq. ft. Meijer logo sign would be injurious to the general welfare of the community, as approval would make it the largest wall sign in the city, and set a much higher precedent for existing and future large scale retailers when updating and/or proposing signage.

Might be injurious: The petitioner states the request to not have a landscaping area (plants, benches, seating areas, etc) between the pedestrian walkways and the structure is directly related to the public health and safety, as the petitioners do not want to install a landscape area that would attract and provide safe harbor for rodents, animals, and other insects, up to and possibly inside the grocery store. The Board should query the petitioner on how landscaping and seating along the pedestrian walkways differs from the garden center, which would be immediately adjacent, and partially under canopy, along the south façade.

- 2. Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

### **Staff Finding:**

Staff finds no evidence that approval of any of the variances would affect any of the adjacent properties in a substantially adverse manner. The proposed Meijer store will be substantially buffered with landscaping and none of the requested variances have a direct negative influence on the use or value of any of the adjacent properties. Furthermore, while the proposed Meijer has not fully met the architectural standards for large scale retail centers in the Gateway Overlay District, staff believes the petitioner has designed a functional structure that, other than the north front façade, meets the spirit of the ordinance (changes in color, texture, material, two-levels of windows, recesses/projections, height changes, etc.), and that there will be an overall benefit to the general vicinity.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

**Staff Finding:**

The strict application of the ordinance will not result in practical difficulties for some of the requested variances.

Will result in practical difficulty: Staff finds there is a practical difficulty in meeting the detail features standard for the west and south façade, due to the west façade being the service/delivery side of the building, and the presence of the garden center decorative fence and wall on the south. Staff further finds there is a practical difficulty in providing a parapet along the west façade to screen the mechanical equipment, as a significant amount of landscaping will already screen the back of the structure for the residences to the south and the east bound traffic on Commerce Drive and Simon Road. It is not practical to require the 60% windows along the south façade, due to the presence of the garden center and accompanying decorative fence and wall. Staff believes the east elevation meets the intent of the ordinance, as it relates to recesses / projections, and believes there are practical difficulties in designing additional projections to strictly satisfy the ordinance. Staff finds there is a practical difficulty in providing a customer entrance on the north façade, as it is not practical from a safety, security, or store layout standpoint.

Might result in practical difficulty: Staff is unsure of what practical difficulty exists in providing additional display / faux / decorative windows along the east façade. Additionally, staff is unsure of what practical difficulty exists in providing a landscape area (including benches, seating areas, and plants) only 50% of the length of the east façade pedestrian walkway, when nearly 75% of the south façade, with two customer entrances, will be immediately adjacent to the garden center with trees/flowers/other plants. Staff finds no practical difficulty in providing *at least some* display, faux, or decorative windows along the north façade; however, staff does believe there is a practical difficulty in providing windows for 60% of the length of the north façade. Similarly, staff finds no practical difficulty in utilizing a smaller wall sign, which is similar to other large scale retail businesses in the area; however, staff does find there is a practical difficulty in strictly requiring the main Meijer logo sign to be 200 sq. ft. or less in size, as a sign that size would not be proportional to the building or similar signs in the general vicinity. Furthermore, due to the proposed signage for the accompanying Meijer Fuel Center along N. Morton Street, which includes a “Meijer” pole sign 25 feet in height, three “Meijer” fuel station canopy signs, and a wall sign, staff does not find the difficulty in using a smaller wall sign on the proposed Meijer store. Note: If the main Meijer logo wall sign were reduced in size, the overall proposed signage area would reduce; possibly nullifying the need for that variance.

Will not result in practical difficulty: Staff finds the recesses / projections standards (at least 20 feet and no greater than 70 feet in width) to be reasonable and that no practical difficulty exists in meeting this standard on the north elevation. Likewise, staff finds no practical difficulty in meeting the “Detail Features” standard or the “Canopies” standard for the north elevation. For example, if some decorative metal canopies (similar to east façade) placed over faux windows, were incorporated into the design of the north façade, and were spaced every 100 feet or less, within 20’ wide recesses / projections every 70 feet, the need for three variance requests would be nullified, while providing substantial aesthetic appeal to the side of the building closest to a public street.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

Based on the written findings above, staff recommends **denial** and **approval** of the petitions, as follows:

**Denial:**

- (2.) Architectural Standards (Display Windows) – North & East façades
- (3.) Sidewalks & Pedestrian Walkways (Pedestrian Walkways along facades)
- (4.) Large Scale Architectural Standards (Display Windows) – North & East Façades
- (6.) Large Scale Architectural Standards (Detail Features) – North façade
- (7.) Large Scale Architectural Standards (Recesses / Projections) – North façade
- (8.) Large Scale Architectural Standards (Canopies) – North façade
- (9.) Non-residential sign standards (Maximum Total Sign Area)
- (10.) Non-residential sign standards (Maximum Wall Sign Area)

**Approval:**

- (1.) Architectural Standards (Roof Design)
- (2.) Architectural Standards (Display Windows) – South façade only
- (4.) Large Scale Architectural Standards (Display Windows) – South façade only
- (5.) Large Scale Architectural Standards (Entrances) – North façade
- (6.) Large Scale Architectural Standards (Detail Features) – South & West facades only
- (7.) Large Scale Architectural Standards (Recesses / Projections) – East façade only

If the Board finds sufficient evidence to approve the variances relating to signage, staff recommends the following condition of approval:

- 1. Sign permits shall be obtained prior to installation of all signage.